

Smog Changes—Additional Information

Background

Memo VIN 2004-14 discussed how legislation changed the smog laws to require collection of a \$12 smog abatement fee in lieu of a smog certification for vehicles six or less model years old in a biennial area, and an \$8 transfer smog fee for transfers of vehicles four or less model years old.

This memo provides additional information about these legislative changes.

Programming/Forms

Programming to generate the new fees will be in place January 1, 2005. No additional forms are required for remittance of the new fees.

Sales Contract

The standard sales contract includes an area titled “Amounts Paid to Public Officials” which includes the following breakdown:

- A. License Fees
- B. Registration/Transfer/Titling Fees
- C. California Tire Fees*
- D. Other _____
- E. Other _____

If \$12 is collected, the fee should be entered in the “other” category with an entry of “Smog Abatement Fee.”

If \$8 is collected, the fee should be entered in the “other” category with an entry of “Smog Transfer Fee.”

If both fees are collected, they should both be listed.

Calculating the Age of a Vehicle

If a vehicle qualifies for the six year or less renewal exemption, subtract five from the **current expiration year** to get the oldest qualifying year model. To calculate if a vehicle qualifies for the four year or less transfer exemption, subtract three from the **transfer year**.

Additional Questions and Answers

The following scenarios, in addition to those contained in VIN 2004-14, provide an overview of how the new fees affect vehicle registration.

Registration Renewals

1. **Q—A vehicle six model-years old or less, with a registration expiration date in 2004, is RDFed for a smog certification in 2004. The application is being resubmitted in 2005. Is a smog certification still required or is the \$12 annual smog abatement fee to be paid?**

A—A smog certification is still required because of the 2004 expiration date.

2. **Q—A vehicle four model-years old or less, with an expiration date in 2004, is RDFed (fees paid) in 2004. The application is being resubmitted in 2005. Is an additional \$6 (above the \$6 that was already paid) due for the \$12 annual smog abatement fee?**

A—No, only the \$6 fee is due because of the 2004 expiration date.

3. **Q—Is the \$12 annual smog abatement fee due for a vehicle that is six model-years old or less, has an expiration date in 2005, and is located in a non-biennial area?**

A—No.

4. **Q—Is a smog certification required for a 1976 model-year vehicle, with an expiration date of February 3, 2005, located in a biennial area?**

A—No, the 30-year “rolling smog” is in effect until March 31, 2005.

5. **Q—Is a smog certification required for a 1976 model-year vehicle that is located in a biennial smog area and with an expiration date of March 15, 2005, but the application is not submitted until June 14, 2005?**

A—No. The 30-year rolling smog was in effect on March 15, 2005.

6. **Q—Is a smog certification required for a 1976 model-year vehicle, with an expiration date of April 1, 2005, located in a biennial smog area?**

A—Yes. Only 1975 and older vehicles are exempt from smog requirements beginning April 1, 2005.

Transfers

1. **Q—A vehicle four model-years old or less is transferred in 2004, with fees paid, but is RDFed for a smog certification. The application is being resubmitted in 2005. Is a smog certification still required? Is the \$8 transfer smog fee due?**

A—A smog certification for the transfer is required. The \$8 transfer smog fee is not due and **cannot** be submitted in lieu of the smog certification because of the 2004 transfer date.

2. **Q—If a vehicle four model-years old is transferred in 2005 and the application includes a biennial renewal which was due in 2004, is a smog certification required? What smog fees are due?**

A—A smog certification is not required because the vehicle is four model-years old. The \$6 annual smog abatement fee is due for the 2004 renewal and the \$8 transfer smog fee is due for the 2005 transfer.

3. **Q—In 2005, an application for biennial renewal and transfer is submitted for a vehicle six model-years old. What smog fees are due? Is a smog certification required?**

A—The \$12 annual smog abatement fee is due and a transfer smog certification is required because the vehicle is over four model-years old.

4. **Q—If a vehicle four or less model-years old is transferred between a parent and child in 2005 without renewal fees due, what smog fees are due? Is a smog certification required?**

A—The transaction is exempt from the smog requirements, therefore smog fees are **not** due.

5. **Q—If a transfer occurs in 2005 for a vehicle five model-years old located in a non-biennial area and renewal fees are due, are the \$12 annual smog abatement fee and the \$8 transfer smog fee due or is a smog certification required?**

A—The \$12 annual smog abatement fee is **not** due because the vehicle is not located in a biennial area. Because it is over four model-years old, a smog certification is required for the transfer.

6. **Q—If a transfer occurs in 2005 for a vehicle four model-years old located in a non-biennial area and renewal fees are due, is an \$8 smog transfer fee due or a smog certification? Is the \$12 annual smog abatement fee due?**

A—The \$8 transfer smog fee is due because the vehicle is four model-years old. The \$12 annual smog abatement fee is **not** due because the vehicle is not located in a biennial area.

7. **Q—How much is the transfer smog fee for a vehicle three model-years old that has two previous unrecorded transfers? All of the transfers occurred after January 1, 2005.**

A—The department will collect an \$8 transfer smog fee from the last transferee only.

8. **Q—Is a smog certification required for a 1976 model-year vehicle that is located in a biennial area, has a transfer date of March 15, 2005, and has a registration expiration date of May 15, 2005?**

A—Yes. A biennial smog certification is required because of the expiration date and location. (The transfer occurred during the 30-year “rolling smog” exemption period.)

7. **Q—Is a smog certification required for a 1976 model-year vehicle that is located in a biennial area, has a registration expiration date of March 15, 2005, and has a transfer date of May 15, 2005?**

A—Yes, a smog certification is due for the transfer. (A smog certification would not be required for the renewal because it occurred when the 30-year “rolling smog” exemption was in effect.)

NOTE: Both the \$12 smog abatement fee and the \$8 transfer smog fee can be due on the same transaction.

Nonresident and Original Transactions

1. **Q—Is a smog certification required for a nonresident 1972 model-year vehicle brought into California and registered on or after April 1, 2005?**

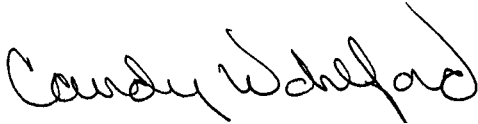
A—No.

Distribution

This memo was distributed in December 2004 to dealers and registration services.

Contact

Call the DMV Customer Communications Section at (916) 657-6560 for further clarification of this memo. Upon request, this document can be produced in Braille or large print.

A handwritten signature in black ink, reading "Candy Wohlford". The signature is written in a cursive style with a large, sweeping "C" and a long, horizontal stroke at the end.

CANDY WOHLFORD, Deputy Director
Communication Programs Division